



August 15, 2025

Via ECF

Honorable Erin Aslan
United States Magistrate Judge
District of Maryland
101 West Lombard Street, Chambers 7B
Baltimore, MD 21201

Re: ***Alford v. The NFL Player Disability & Survivor Benefit Plan,***
No. 1:23-cv-00358-JRR

Dear Judge Aslan

Pursuant to Judge Rubin's Order of May 6, 2024 (ECF No. 87), counsel for Plaintiffs request a pre-motion conference with the Court. Plaintiffs seek approval to file a letter-brief in support of their request to compel Defendants to produce certain specific files responsive to six (6) discrete and targeted document requests that, with one exception, all directly relate to Plaintiffs' breach of fiduciary duty claims. These requests have been the subject of prior meet-and-confer discussions between counsel for the parties, which have not resolved the current dispute. For the Court's background and consideration of Plaintiffs' request, a brief, non-argumentative summary list of the six requests is set forth below:

1. Party Advisor notes and recommendations to the Board regarding the Named Plaintiffs' appeals;
2. Reimbursements paid by Defendants to Named Physicians (*i.e.*, the physicians identified in the Amended Complaint) reflecting full compensation, as referenced in Defendants' Sur-Reply Opposition to Plaintiffs motion for class certification;
3. Training, onboarding, or instruction materials created or authored by Drs. William Garmoe and Stephen Macciocchi for Neutral Physicians, including Named Physicians;
4. Performance Evaluations of Named Physicians by Drs. Garmoe and Macciocchi;
5. The database of neuropsychological evaluations created and maintained by Dr. Garmoe per his contract with Defendants; and
6. Certain reports to Defendants from the Garmoe database referenced in Dr. Garmoe's declaration.

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Based on the prior meet-and-confer discussions, counsel for Plaintiffs anticipate that Defendants will argue that moving to compel production of these files now is untimely and contrary to Judge Rubin's prior ruling on Plaintiffs' Motion to Compel (ECF No. 87). Counsel for Plaintiffs is fully prepared to address these arguments should the Court grant a conference and letter-briefing on these issues.

Accordingly, for all these reasons, counsel for Plaintiffs respectfully request that the Court schedule a pre-discovery motion conference on a date and time convenient for the Court.

Respectfully submitted,

s/ Benjamin R. Barnett

Benjamin R. Barnett

*Co-Counsel for Plaintiffs and
the Proposed Class and Subclasses*

CC: all counsel of record.